

THE HON. JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OLYMPIC TUG & BARGE, INC. a
Washington corporation, and HARLEY
MARINE FINANCING, LLC, a Delaware
limited liability company,

Plaintiffs,

v.

LOVEL BRIERE, LLC, a Nevada limited
liability company,

Defendant.

IN ADMIRALTY

Case No. 2:22-cv-01530-JLR

~~[PROPOSED]~~ STIPULATION AND
ORDER REGARDING AMENDED
COUNTERCLAIMS

NOTE ON MOTION CALENDAR
(SAME DAY MOTION):
FRIDAY, JANUARY 13, 2023

WHEREAS, on November 21, 2022, Defendant, Lovel Briere, LLC, filed its Answer, Affirmative Defenses, and Counterclaims (the “Original Counterclaims”) (ECF No. 23);

WHEREAS, on December 12, 2022, Plaintiffs, Olympic Tug & Barge, Inc., and Harley Marine Financing, LLC (together, “Plaintiffs”) moved to dismiss the Original Counterclaims (ECF No. 28) (the “Motion to Dismiss”);

WHEREAS, on January 9, 2023, Defendant filed: (i) a response in opposition to the Motion to Dismiss (ECF No. 30); and (ii) a motion to amend the Original Counterclaims (the “Motion to Amend”) (ECF No. 31);

WHEREAS, the parties believe that the interests of judicial economy would be best served by Plaintiffs (1) withdrawing their pending Motion to Dismiss the Original

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MONTGOMERY PURDUE PLLC
ATTORNEYS AT LAW
5500 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WA 98104-7096
(206) 682-7090 TEL
(206) 625-9534 FAX

Counterclaims; and (2) consenting to Defendant amending the Original Counterclaims as proposed in the Motion to Amend (the “Amended Counterclaims”), without prejudice to Plaintiffs’ right to respond to the Amended Counterclaims by motion or otherwise.

NOW THEREFORE, the parties having conferred and subject to the Court’s approval, hereby agree as follows:

1. Plaintiffs hereby withdraw their Motion to Dismiss the Original Counterclaims (Dkt. # 28).

2. Defendant’s Motion to Amend (Dkt. # 31) is GRANTED. Defendant shall file its Amended Counterclaims within fourteen (14) days of the Court’s entry of this stipulated Order.

3. Plaintiffs shall move or otherwise respond to the Amended Counterclaims no later than twenty-one (21) days after Defendant files them.

DATED this 13th day of January, 2023.

/s/ Kevin H. Marino
 Kevin H. Marino
 (Admitted Pro Hac Vice)
 kmarino@khmarino.com
 John D. Tortorella
 (Admitted Pro Hac Vice)
 jtortorella@khmarino.com
 John A. Boyle
 (Pro Hac Vice application to be submitted)
 jboyle@khmarino.com
Marino, Tortorella & Boyle, P.C.
 437 Southern Boulevard
 Chatham, NJ 07928-1488
 Telephone: 973.824.9300
 Facsimile: 973.824.8425

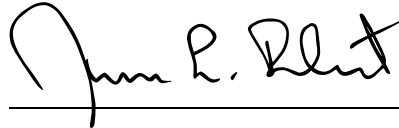
/s/ Jess G. Webster
 Jess G. Webster, WSBA No. 11402
 Drew F. Duggan, WSBA No. 50796
Miller Nash LLP
 Pier 70, 2801 Alaskan Way, Suite 300
 Seattle, WA 98121-1128
 Tel: (206) 624-8300
 Fax: (206) 340-9599
 Email: jess.webster@millernash.com
 Email: drew.duggan@millernash.com

Attorneys for Defendant

/s/ Michael E. Gossler
 Michael E. Gossler, WSBA No. 11044
 mgossler@montgomerypurdue.com
Montgomery Purdue PLLC
 5500 Columbia Center
 701 Fifth Avenue
 Seattle, WA 98104-7096
 (206) 682-7090 Tel
 (206) 625-9534 Fax
Attorneys for Plaintiffs

IT IS SO ORDERED.

DATED THIS 17th day of January, 2023

A handwritten signature in black ink, appearing to read "James L. Robart", written over a horizontal line.

The Honorable James L. Robart
UNITED STATES DISTRICT JUDGE

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MONTGOMERY PURDUE PLLC
ATTORNEYS AT LAW
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(206) 682-7090 TEL
(206) 625-9534 FAX

PRESENTED BY:

/s/ Kevin H. Marino

Kevin H. Marino

(Admitted Pro Hac Vice)

kmarino@khmarino.com

John D. Tortorella

(Admitted Pro Hac Vice)

jtortorella@khmarino.com

John A. Boyle

(Pro Hac Vice application to be submitted)

jboyle@khmarino.com

Marino, Tortorella & Boyle, P.C.

437 Southern Boulevard

Chatham, NJ 07928-1488

Telephone: 973.824.9300

Facsimile: 973.824.8425

/s/ Michael E. Gossler

Michael E. Gossler, WSBA No. 11044

mgossler@montgomerypurdue.com

Montgomery Purdue PLLC

5500 Columbia Center

701 Fifth Avenue

Seattle, WA 98104-7096

(206) 682-7090 Tel

(206) 625-9534 Fax

Attorneys for Plaintiffs

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